

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

EDWIN PAWLOWSKI

:
:
: **District Court Case No. 5:17-cr-00390-001**
:
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RESPONSE TO GOVERNMENT OPPOSITION RESPONSE

1. The Government attempts to minimize the health situation of Mr. Pawlowski by stating that currently his medical ailments do not present any impediment to his ability to self care in the institution. That is completely irrelevant. It is the extreme risk of future death or serious complications due to his being an extremely vulnerable individual under the COVID-19 guidelines. The man in front of a firing squad may be currently very healthy, but if the rifles are not ordered to stand down, he will be dead. The Attorney General's own memo reflects the need for home confinement for high risk individuals, not highly sick individuals.

That being said, Mr. Pawlowski has hypertension and was treated for one week at Danbury Hospital in January 2019 for heart complications due to this condition.

Mr. Pawlowski has a herpes virus infection of the eye that results in a compromised immune system.

Mr. Pawlowski has dyspnea with history of COPD which requires him to sleep every night with a CPAP (Continuous positive air pressure) machine to assist his breathing

Mr. Pawlowski has one lung, which is reflected in the medical records and is further reflected by Statrad radiology report which states a "left hemithoracic opacification and shift of the mediastinum and heart to the left." This opacification is consistent with the surgical history of prior pneumonectomy (left lung removal). The records reflect Mr. Pawlowski's real concern for this condition, prior to the COVID-19 pandemic, when on 12/15/19 he requested a pneumonia injection because he knew of his extreme vulnerability to lung issues.

2. The Government maintains that the BOP is satisfactorily carrying out their protection of Mr. Pawlowski. Nothing could be further from the truth. The class action lawsuit filed against FCI-Danbury and its exhibits (which was previously sent to the Court) demonstrates the fallacy of this position.

3. Every component of the guidelines set up by Attorney General William Barr for compassionate release/home confinement is present in the analyses of Mr. Pawlowski's situation:

- A) Non-violent crimes
- B) Not likely to re-offend
- C) Adequate home plan
- D) Serious risk of death or serious complications due to health/age considerations.

There is absolutely nothing in the Attorney General's guidance that discusses the length of the sentence left to serve. The absence of that factor is for good reason: significant risk of death is never a component of any sentence, no matter how long that sentence may be.

4. It is clear and undeniable that without action by this Court that Mr. Pawlowski housed in the environment as is present at FCI-Danbury is at an extremely high risk of being infected with COVID-19. It is also clear and undeniable that if this high probability of COVID-19 infection occurs, a high probability of death or serious long term consequences will follow. It is simply inconceivable to me that this Court, the Government, or any caring reasonable person would allow the risk of this happening to Mr. Pawlowski for the crime of illegal campaign contributions

Respectfully submitted,

Date: March 20, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date a copy of the foregoing Motion of Defendant Edwin Pawlowski for Release Pending Appeal and accompanying Memorandum of Law were electronically served by the Court's electronic case filing system upon the following:

Anthony Wzorek, AUSA
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Date: May 11, 2020

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